
CREATING EFFICIENCIES THROUGH PROCESS, POLICY, AND PROGRAM IMPROVEMENTS

Introduction

The previous chapters cover four specific topics in response to Congress' study directive in the Conference Report cited in the judiciary's fiscal year 1996 continuing resolution. Specifically, those chapters discuss how the judiciary ensures that judge and staff resources are distributed equitably to meet workload demands, the numerous activities underway to reduce rent costs, the ways in which the judiciary realizes efficiencies by using contractors in lieu of judiciary employees, and efforts to achieve savings and efficiencies through automation and high technology. This chapter responds to Congress' request that the judiciary also address any other areas "where improvements and cost efficiencies can be achieved."

The judiciary appreciates the opportunity to highlight to Congress our commitment to making the judicial branch as efficient and cost-effective as possible without harming the justice system. For several years now, the judiciary has been intensely focused on improving processes, policies, and program delivery to reduce overall spending, ensure resources are not wasted, and do more with less—all in the face of growing workload. One major step in this area was the decision by the Judicial Conference to create an Economy Subcommittee of its Budget Committee to coordinate judiciary-wide efforts to improve fiscal responsibility, accountability, and efficiency. The Administrative Office of the U. S. Courts provides support for this committee's efforts and for the other Judicial Conference committees, which are deeply involved in

the judiciary's economy initiatives. As a result of these efforts, the federal government is realizing significant cost avoidances and savings.

Some of these continuing efforts, as well as new initiatives, are explained in the earlier chapters of this report. This chapter describes other efforts to create efficiencies through process, policy, and program initiatives that hold out the possibility for even more savings and cost-avoidance.

Continuing Efforts to Create Efficiencies

Judiciary Methods Analysis Program

As discussed in Chapter 1 of this report, the judiciary uses a series of formulas to determine the appropriate number of staff needed in each court unit to meet workload demands. In order to contain costs, the Judicial Conference made a decision to staff the courts with fewer employees than the formulas dictate. Specifically, the judiciary only gives courts enough funds to hire 84 percent of the people dictated by the formulas. Operating at this reduced staff level, although a hardship on the courts, saved over \$160 million in FY 1996 alone; maintaining this level in subsequent years will save even greater amounts as workload increases and salaries rise with inflationary adjustments.

Given the reality of long-term operations with significantly less than a full complement of staffing, the courts have two choices—decrease public service or increase productivity. Since maintaining high quality services is a top priority, the judiciary launched an innovative effort in 1994 to help courts cope with the imposed staffing shortages by improving operating efficiency. Called the Judiciary Methods Analysis Program (MAP), its goals are to identify suggested business practices that have the potential to result in more efficient and effective operations, and to foster implementation of these practices in the courts.

The judiciary designed MAP following a review of methods analysis techniques being applied in government and industry. MAP involves the formation of teams of functional experts and analysts. Each team reviews one or more specific court operations to identify innovative approaches or potentially "better" practices for accomplishing the work more efficiently, economically, or effectively.

It is up to each court to determine the usefulness and appropriateness of individual suggestions resulting from the MAP process in relation to the court's particular circumstances (e.g., size, demographics, caseload, etc.). By implementing those practices that will improve their efficiency, the courts are better able to perform functions that faced possible delay or reductions because of staffing shortages. Overall, MAP's suggested practices will allow the judiciary to do more with existing resources. In the future, work-process changes resulting from the adoption of better practices will be incorporated into the revision of staffing formulas. Similarly, any substantial non-personnel cost savings associated with the better practices would be reflected in the allotments of operating funds to the courts.

The identified practices are publicized to the courts through various publications and are posted on a judiciary-wide electronic bulletin board. Further, recommendations regarding the adoption of the practices are incorporated into the court program unit reviews that are conducted to assist courts with improving operations, discussed in more detail later in this chapter.

To date, the MAP process has covered five functional areas and identified over 300 new work practices for possible implementation by the courts. A sixth study of appellate clerks' functions is ongoing. Each functional area already studied is listed below, along with a few examples of the "better" practices that were identified. A complete list of the practices, along with explanatory information about each, is available on request from the Administrative Office.

Investigations and report writing in probation offices. Thirty-four practices have been identified for this activity. Examples:

- Use a court duty officer or court liaison officer to attend plea hearings to free officers' time for other duties.
- Limit trial attendance to the closing arguments or verdict to reduce officer time required in court.

Investigations and report writing in pretrial services offices. Thirty-four practices have been identified for this activity. Examples:

- Require officers to attend plea hearings only if there is a possible change in bail status to make time available for other duties.
- Expand use of electronic forms, calendars, and time-management applications to improve efficiency and streamline production.

Case opening in district clerks' offices. Forty-eight practices have been identified for this activity. Examples:

- Eliminate the filing of discovery documents in the case opening process to reduce time spent processing these documents.
- Allow deputy clerks to enter procedural orders to save judicial officer time in preparing and signing these orders.

Case opening in bankruptcy clerks' offices. Fifty-six practices have been identified for this activity. Examples:

- Reduce data entry time by limiting the information contained on the claims register to the creditor's name and address, the creditor's identification number, the claim number, the dollar amount, and the date.
- Require parties filing petitions by mail to provide a self-addressed stamped envelope for return of the receipt to reduce time and expense for the court.

Case processing in bankruptcy clerks' offices. One-hundred forty-seven practices have been identified for this activity. Examples:

- Maintain an electronic forms library and make it accessible to deputy clerks and the public through the court's public access system to achieve administrative efficiencies.
- Require parties to submit certain documents on diskette, such as proposed findings of fact, conclusions of law, and briefs, to achieve administrative efficiencies.

Automation of Manual Work Processes

Chapter 4 of this report discusses several initiatives underway to achieve future savings and efficiencies through major forward-looking technology-based initiatives. These include videoconferencing, video and computer-based training, electronic case files, electronic filing, electronic public access services, electronic bankruptcy noticing, use of Internet and Intranet, and real-time court reporting, among others.

In addition to these progressive, large-scale efforts to use technology creatively to improve the way the judiciary conducts its business, dozens of large and small projects are underway to improve operating efficiency and effectiveness for more routine, administrative-type tasks by automating manual business processes or updating outmoded systems and practices. A comprehensive report of these efforts is available on request from the Administrative Office.

A few examples are noted below:

- A system is being developed for processing health benefit forms more quickly, easily, and accurately by eliminating labor-intensive processes.
- A new library management system is being acquired that will improve law-book inventory management and purchasing practices.
- Case management systems for the appellate, district, and bankruptcy courts are being enhanced, which will eliminate labor-intensive processes and reduce data entry requirements.
- An improved, more efficient system for collecting magistrate judge workload statistics is being implemented. The improved system also is expected to enhance data reliability.
- A flexible, automated, more efficient system is under development for building and maintaining jury wheels, tracking jurors from the time of summoning to service completion, and providing payment and related jury service information.
- A modern, efficient, more reliable court financial system is being implemented, which will replace labor-intensive systems and streamline work processes.

These initiatives, and those discussed in Chapter 4, are governed by the judiciary's information systems architecture. The architecture determines the platforms, databases, principles, and standards that are to be used in designing and building judiciary systems. As such, the architecture ensures that expenditures on automated systems are efficiently and wisely made by guaranteeing that systems are compatible and user needs are met.

Establishment of More Efficient Organizational Structures

The judiciary asked the National Academy of Public Administration (NAPA) to conduct a study on the delivery of administrative functions in the courts. Completed in May 1996, the study (1) identifies various ways courts currently organize to handle administrative functions, (2) identifies ways in which the courts are sharing administrative services, (3) offers alternative organizational approaches, (4) analyzes the strengths and weaknesses of different approaches, and (5) presents a process for assessing a district's or court's structure and operations.

The study covered eight administrative functions in district and bankruptcy clerks' offices, probation and pretrial services offices, and, where applicable, district court executives' offices. The eight functions are personnel administration, training, financial management, budget management, automation management, contracting and procurement, property management, and space and facilities management. While these functions do not directly affect public service, how they are carried out clearly impacts the overall efficiency and effectiveness of court operations.

Upon its completion, the study was distributed to chief judges nationwide so they could consider its results and determine whether an alternative arrangement of administrative services would be effective in their courts. Further, the Judicial Conference referred the study in September 1996 to several of its committees for integration, as appropriate, with forthcoming policies regarding the overall administration of court operations.

Improved Management of Defender Services Program Resources

Through its defender services program, the judiciary provides legal representation for defendants who are financially unable to retain counsel on their own. The right to counsel is guaranteed by the Sixth Amendment to the Constitution.

The judiciary has no control over the number of defendants for whom it must provide defense counsel. This is a function of congressional action and Department of Justice policies. Approximately 85 percent of criminal defendants in the federal courts require court-appointed counsel. Consequently, the cost of this program is determined primarily by factors outside the judiciary's control.

Notwithstanding, the judiciary is taking action wherever possible to help contain program costs. The following is a summary of selected initiatives.

Containing the cost of death penalty representation. The Judicial Conference Committee on Defender Services conducted a study on the costs of counsel in federal capital habeas corpus cases. Approved by the Judicial Conference late last year, the study set forth a series of recommendations directed at controlling capital habeas costs, as follows:

- Require defender organizations representing capital habeas petitioners to maintain minimum average caseload-per-attorney ratios as a guard against an organization devoting unwarranted resources in any given case.
- Require defender organizations representing capital habeas petitioners to employ record-keeping and reporting practices designed to facilitate assessments of resource requirements, attorney caseload ratios, and cost controls.
- Encourage courts to require appointed counsel to submit ex parte a proposed litigation budget for court approval prior to engaging in any representation task for which payment or reimbursement will be sought.
- Encourage courts to employ case management techniques used in complex civil litigation to control costs in federal capital habeas corpus cases.
- Develop national training and research tools to reduce the time required, and thereby the compensation sought, by counsel appointed in federal capital habeas cases.
- Consider requiring court-appointed counsel to obtain expert advice and assistance to avoid the need to engage in costly research, writing, and other litigation tasks.
- Make available to judicial officers reviewing compensation requests the complete history of prior payments made in a case, including payments to other counsel who may have been compensated for work performed in related proceedings.
- Foster communication and cooperation among all those involved in capital litigation, including both federal and state judges, state attorneys general, and private attorneys.
- Develop guidelines to ensure that federal funds are not expended on state court work.

Reviewing and assessing defender program operations. The judiciary conducts routine reviews of federal defender organizations. The objectives of the reviews include helping the offices improve the effectiveness and efficiency of their operations; collecting and disseminating to all offices information regarding exemplary procedures, processes, and controls; and ensuring that federal funds are being spent conservatively. The reviews cover office structure and governance, financial management, human resource management, procurement, reporting and record-keeping, and case management. Upon completion of each review, a report with recommendations for improvements is provided to the defender organization and the district court or court of appeals, as appropriate.

Improving panel attorney voucher review. The judiciary recently developed two tools to help courts improve their review and analysis of panel attorney compensation claims. First, the judiciary produced and distributed new forms for panel attorneys to use when submitting compensation claims to the court. The forms elicit important information about cases and the nature of representation that voucher examiners need for their review of claims. Second, the judiciary distributed data showing the ranges of in-court and out-of-court hours that panel attorneys claimed for major case types. The purpose is to enhance voucher review by allowing the examiners to consider pending vouchers within the context of all vouchers submitted for that type of case.

Collecting better management data. The judiciary is developing new information systems to increase the type, quality, and consistency of data being collected on defender organizations and panel attorneys. These efforts should improve the judiciary's ability to manage, project, audit, and explain program costs.

Generating ideas at the local level. In addition to the various national efforts to contain program costs, there is a strong commitment at the local level. For example, over 40 districts have established Criminal Justice Act Cost Containment Committees. The committees' primary purposes are to develop and implement in their respective districts cost-saving initiatives for the delivery of defense services.

Alternatives to Incarceration and Detention

The judiciary is saving the government considerable resources through its home confinement program. Home confinement is an alternative to incarceration.

tion and detention that allows pretrial defendants and offenders on post-conviction release to be placed under surveillance in their homes rather than housed in more costly corrections and detention facilities. Often, it includes electronic surveillance as well.

It costs the government between \$39 and \$63 daily to keep an offender in a federal prison or detention facility. The average daily cost of supervising an offender in the home confinement program, however, is only \$14 to \$20, depending on whether electronic surveillance is used.

On a daily basis, the judiciary monitors about 4,000 individuals (offenders and defendants) in their homes who would otherwise be held in prison or jail facilities. This costs about \$26 million annually. Placing these individuals in prison or detention facilities would cost between \$57 and \$88 million. Thus, the program saves the government between \$31 and \$62 million annually.

To help offset the costs of the home confinement program, the judiciary seeks reimbursement from participating offenders when possible. In fiscal years 1995 and 1996, the judiciary collected over \$3 million in offender copayments. In addition, the judiciary is making every effort to contain the costs of the electronic surveillance component of the program. For example, when the program first began, the judiciary paid about \$6 per person per day for electronic surveillance services. Through competitive bidding for a national contract, the cost now is under \$5, which saves the judiciary over \$1 million a year.

New Financial Management Policies, Practices, and Procedures

The judiciary is implementing numerous budget policies, practices, and procedures to increase the focus on containing costs and improving resource use. The following summarizes selected initiatives.

Decentralizing budget functions to local managers. Rather than conducting the activities centrally at the Administrative Office, certain budget execution functions have been decentralized to the courts. The decentralized budgeting program was designed to give courts increased flexibility to create, manage, and control their annual operating budgets. It gives local managers an incentive to identify and employ more efficient business practices, a greater ability to prioritize scarce resources, and the flexibility to distribute resources according to unique local needs. In sum, it is an important tool for ensuring that judiciary resources are optimally utilized.

Streamlining funding allotment processes. The judiciary is in the midst of an effort to streamline the processes used for the allotment of non-personnel court funding. The project involves dramatically reducing the number of categories in which funding is allotted to the courts (from 57 to 3) and, where appropriate, developing and using formulas rather than historical expenditures to determine court funding needs for specific budget line items. The program offers several benefits. First, it will make the allotment process more efficient by reducing paperwork requirements in the courts and the Administrative Office. Further, it will result in a more equitable distribution of resources to the courts. It also will provide court managers with increased flexibility for managing their spending plans, thereby complementing budget decentralization.

Improving management and control of personnel resources. A new personnel system was developed for the courts that represents a major reform in personnel management. The new system decentralizes personnel authority to court managers, giving them more flexibility to determine the composition of their workforce. By allotting dollars for personnel resources rather than a set number of positions, the system gives courts the discretion to determine the number, compensation level, and classification of their employees, and whether to hire contractors in lieu of judiciary employees. This improves the courts' ability to maximize use of scarce personnel resources. It also improves management of future-year salary liabilities through built-in cost controls. Further, the system simplifies the process of distributing funding to the courts, saving staff resources.

Enhancing financial review processes. A new quarterly financial review process has been initiated to improve oversight of program spending and to identify funds that should be saved and redirected to meet higher priority needs. The purpose is to review program spending, discuss needed changes in spending plans, and identify opportunities for savings. These reviews help ensure that the judiciary's increasingly scarce resources are available to meet the highest priority needs. To enhance these financial reviews, automated methods are being implemented to receive and review more timely information on the status of funds in the courts and at the Administrative Office.

Distribution of Comparative Case Processing Statistics

The judiciary distributes to district and bankruptcy courts comparative case processing statistics to allow courts to compare their performance with other courts.

For district courts, the statistics demonstrate how individual courts compare with the national average on several key civil and criminal case processing measures. These include the following:

- Number of civil cases pending over three years.
- Median time from filing to disposition for civil cases overall, and for specific types of civil cases.
- Median time from filing to disposition of felony defendants overall, and for criminal cases with varying numbers of defendants.
- Weighted caseload per judgeship.

In addition, district courts receive comparative data on juror use. The data show the percentage of jurors each court calls but does not select for duty, a measure of how efficiently the juror selection process is conducted.

For bankruptcy courts, statistics are distributed that compare individual courts with the national average on the following measures:

- Median time from case filing to disposition.
- Ratio of the number of cases pending to the number of cases filed.
- Age of cases.

Distribution of this data is an important tool for helping courts strive to find innovative ways to dispose of cases as quickly and efficiently as possible and to reduce juror costs.

Program Reviews and Audits

The judiciary has in place rigorous and effective oversight mechanisms for audit, review, and investigation. These mechanisms are a critical component of the judiciary's efforts to ensure resources are optimally utilized. Through these mechanisms, the judiciary

- Identifies, investigates, and resolves improprieties or allegations of waste, loss, or abuse.

- Oversees the judiciary's funds, programs and operations; surveys the condition of business in the courts; promotes uniformity of management procedures and the expeditious conduct of court business; studies the operation and effect of the general rules of practice and procedure; and studies ways to improve litigation management and dispute resolution in the district courts.
- Performs cyclical financial audits of the courts every two and one-half to four years.
- Conducts studies, reviews, and evaluations of programs, organizations, operations, and policies.
- Addresses allegations of judicial misconduct or disability pursuant to statutorily prescribed process.
- Calls upon independent outside experts to review specific areas of concern to obtain objective analyses and recommendations for action.

Since 1993, the judiciary has undertaken numerous studies, reviews, audits, and evaluations. Examples of these activities follow:

Court Program Unit Reviews. Management and organizational reviews are conducted to provide clerks' offices, probation and pretrial services offices, and federal defender organizations with assessments of existing operations and to make recommendations for improving court services. In addition, reviews of specific court program areas such as case management, jury utilization, court reporting, court interpreting, drug and mental health treatment, and electronic monitoring also are conducted. A written report documenting the findings is provided to the court at the conclusion of each review.

Automation Reviews. On-site assessments in appellate, district, and bankruptcy courts are conducted to review nationally-supported case management applications. The purpose is to ensure that courts are achieving maximum benefit from the case management tools provided by automated systems. A report with recommendations for improvements is provided to the court upon completion of the review. A new methodology is being developed to strengthen these reviews and to provide a more comprehensive assessment of a court's automation program.

Long Range Planning

Strategic and operational planning are integral parts of the judiciary's internal governance and management processes. As such, they are important components of the judiciary's efforts to ensure that resources are optimally utilized. Judiciary planning efforts set forth recommendations, goals, objectives, and strategies that describe an intended path for addressing issues, thereby providing direction to those responsible for applying personnel, funds, and other available resources. This establishes a general context within which priorities are set and resource allocation decisions are made.

In December 1995, the Judicial Conference adopted its first comprehensive Long Range Plan for the Federal Courts. The plan sets forth 93 specific recommendations for conserving core values—the rule of law, equal justice, judicial independence, limited jurisdiction, excellence, and accountability—while preserving flexibility to respond to new challenges. The plan devotes an entire chapter, plus numerous other sections, to recommendations aimed at optimal use of judiciary human, financial, physical, and technological resources. A copy of the plan is available on request from the Administrative Office.

Complementing the Long Range Plan, the judiciary produced in September 1996 a strategic business plan. It identifies the following six major business activities and sets forth objectives for each: adjudication, administration of the courts, supervision of defendants and offenders, defender services for eligible criminal defendants, policy-making and national administration, and rulemaking. The business plan provides a foundation for more specific plans and planning processes. In particular, the Long Range Plan for Automation in the Federal Judiciary will be based on the strategic business plan and user needs assessments. This document also is available on request. At the local level, several individual courts and court units have developed plans that discuss how to use limited resources most efficiently to meet future needs.

Conclusion

The judiciary has initiated a variety of efforts to improve processes, programs, and policies to ensure resources are optimally utilized, many of which are described above and listed in the appendix. From the Judicial Conference to the

local court unit manager, members of the judiciary family continuously search for innovative ways to reduce spending and do more with less. The judiciary has an impressive list of cost-containment accomplishments and many additional initiatives are in progress. These efforts demonstrate the judiciary's firm commitment to doing its part to streamline government and better serve the nation's taxpayers.